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RES GESTAE

SCHOOL OF LAW, UNIVERSITY OF MICHIGAN

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HAYDEN H. DADD
A SMALL TOWN PRACTICE

In Brief

by Richard E. Goodman

This is the last issue of RES GESTAE for this year, and the last one of which I will serve as Editor. As Editor for the past three years, it has been my privilege to help in a small way, the development of RES GESTAE from a four page newsletter to its present form. Largely through the efforts of a very capable and conscientious staff, I feel that this year RES GESTAE has approached the standards necessary to make the time and effort spent in its publication worthwhile, and has served as a means of closer contact between faculty and students. The staff included: Granger Cook, Don Steiner, and John Fallon, associate editors; Lee Cross, business manager; Jack Trombadore, copy editor; Richard Baker, staff photographer; and Jim Haggart, Charles Hall, John McDermott, and Jim Staples, staff writers. To these men who worked so diligently during the past year, my sincere appreciation.

On May 6th the first annual RES GESTAE banquet was held at the Farm Cupboard. The dinner was attended by faculty members, student leaders, and staff members. It was unusual not only in that it was the first time that the staff of RES GESTAE has gotten together for a banquet at the end of the year, but also in that there were no formal speeches. The program consisted of a discussion, led by a panel made up of Granger Cook, Don Steiner, John Fallon and Dick Goodman, about the past history of RES GESTAE, and the present purpose and plans for policies for the future. The discussion brought forth many ideas from both faculty and students as to what they thought the purpose of the magazine should be, and the best way in which to achieve this purpose. These constructive suggestions, especially as to content, should give next year's staff a starting point from which they can further expand and develop the RES GESTAE. The toastmaster for the occasion was Jim Haggart.

Also, at the banquet, the new editorial board for the coming year was appointed. This consists of: John Fallon and Charles Hall, editors; Jim Staples and John McDermott, associate editors, and Lee Cross, business manager. These men have all worked on the staff this year, and have done a very fine job. I want to wish them the greatest possible success in the coming year.



Edited by the students of the University of Michigan Law School under the sponsorship of the Student Bar Association. Communications should be addressed to:

RES GESTAE

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MISS INEZ BOZORTH

MISS BOZORTH TO RETIRE

When it became known this spring that Miss Inez Bozorth, director of the Lawyers Club, had indicated that she was retiring this year, a deep sense of loss was felt by present law students and all those countless former students that have known Miss Bozorth since she became director of the club in 1924. We wish her the very best of everything in all that she may do and we know that none of us shall ever forget her or the profound effect that she has had upon us all.

QUALIFICATIONS FOR COMMISSIONS IN THE ARMED FORCES

With June graduation fast approaching plus the fact that many of the seniors are quite eligible for the draft, more than normal concern has been expressed as to how a "commission" may be secured in the military. The general requirements for either regular Army commissions or commissions on a reserve basis in J.A.G.C. are as follows:

Qualifications applicable to applicants for either a Regular Army or Reserve Commission, JAGC

1. The applicant must have reached his twenty-first birthday but not have passed his thirty-second birthday at the date of appointment.
2. He must be a graduate of an approved law school.
3. He must be admitted to practice before the highest court of a state or a federal court and be in good standing before the bar.
4. It is no longer necessary that the applicants have practiced law for a period of years, excepting in the cases of reserve officers who desire to transfer in the grade of Captain or higher, in which cases the minimum practice requirement is imposed, which for the grade of captain is four years. Initial appointments are in the grade of first lieutenant and

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SOME THOUGHTS OF A COUNTRY LAWYER

by HAYDEN H DADD, AB., L.L.B. (Michigan '33)

In the classic account of Bellamy Partridge, published in 1939, the country lawyer passed on with Calvin Coolidge. A re-examination in 1954 might persuade Mr. Partridge that this hardy character is back at his old stand. Situated a few miles from Phelps, New York, the scene of Mr. Partridge's factual account, lies the larger community of Attica in Wyoming County, with a village population of 2600. Just beyond its village limits is Attica State Prison, housing 2000 felons in maximum security with a hard core of 400 lifers.

Attica is eleven miles from the New York State Thruway at Batavia, thirty miles from Buffalo and forty-one miles from Rochester, on the northern rim of Wyoming County, fifteen miles from the county seat at Warsaw. Its rural population in all directions is closely united with a well-developed highway network. There is hardly a farm home which does not have school bus and milk tank truck service at its door. The isolation of the dirt road and the horse and buggy is gone forever. Two small plants and a specialty manufacturing establishment of the Westinghouse Electric Corporation comprise its industries. These, with a large State employee payroll and the well-developed dairy farming industry surrounding, make the sinews of the local economy.

In January, 1934, when National Socialism and the New Deal were at full tide and the Court of Appeals had abolished the clerkship requirement, the writer came to Attica with a LLB from Michigan and a Certificate of Admission from the Appellate Division.

In the rigorous years of the depression, when many law graduates were going to the Civilian Conservation Corps, it was a rare stroke of fortune to join forces with a fine gentleman who had practiced law forty-one years and whose father had opened the office in Attica fifty-eight years before. My introduction came through a newspaper editor for whom I worked while in high school in Perry, New York, twenty-five miles from Attica. Another older-younger lawyer combination were the only other attorneys in the village. Today, only the younger lawyers remain. Because of age and inclination, he had foregone all litigated and contested business. His practice had matured into the settlement of estates and counseling for the largest local bank. While he was a ready source of information in that limited field, every other bit of knowledge and skill had to be acquired the hard way. I never read a page of the Rules of Civil Practice before I studied for the bar examination. Even the legal problems involved in collecting a contested account in Justice Court required original research and so on with every problem. Indeed, that is the life of a country lawyer. It is a never ending study and analysis of the widest scope and variety of problems. My associate's position in the community gave me ready access to a group of potential clients who needed assistance in problems which he did not handle. The problem of becoming acquainted was simplified because of my associate's standing and because I was born and reared in a rural community. My associate (who took me in as a partner in 1942) retired when I returned from the army in 1946.

In 1934 I met the forces of law and order head-on in defending a first generation Polish-American on a charge of assaulting a lawyer with a deadly weapon, an incident that narrowly escaped being a murder charge. The background of the assault involved the lawyer and the defendant's wife. This evidence, introduced through a plea of insanity, resulted in prompt acquittal.

Although fully documented in office diaries, it is impossible to more than suggest the development of a practice since 1934. I was surprised at the amount of cash income available in the first two

years from collection work. In connection with each item of that business there was an opportunity to know more people and to be at hand when they required substantial legal services. I met one of my best early clients collecting a wholesale account from him. As general conditions improved in 1937 and 1938, real estate business became more active so that today real estate work, probate practice and purely contract and business matters are about forty per cent of the practice; criminal law accounts for about ten per cent; taxation another ten per cent, with a large part of that in the early months of a year; negligence work and related litigated problems take approximately forty per cent. In this office alone in 1954 one hundred eighty-six income tax returns were prepared, about one half for wage earners and individuals who have special problems, the balance is equally divided between farm and business returns. It is difficult to determine the exact amount of time spent in litigated matters. That portion of the practice takes a country lawyer into all the courts of the State — contested probate proceedings, proceedings in the Children's Court, felony trials in County Court, negligence cases in Justice Court and courts of record. The country lawyer must always be ready to meet experts in appellate practice in his occasional appearances in the Appellate Division and the Court of Appeals. I have had little experience in Federal Courts except for bankruptcy affairs. A brief sketch of matters pending in the office on March 26, 1954 shows the variety in which a country lawyer is involved. Checking the pending files I find: in municipal law a bond issue for a water district in an adjoining town and another large bond issue for our local school district; two felony matters — abandonment and a coram nobis in a first degree rape; five pending bank loans for examination of title and closing; three negligence cases, one substantial; a keen question in the law of sales; twenty-two real estate transactions at various stages of completion; two adoptions; two incompetency matters; sixteen miscellaneous litigated cases; a dissolution of a corporation involving all the questions under Section 115; an infant's settlement; two pending probate proceedings and twenty-two estates in various phases of settlement. As counsel for our largest bank (an office of the state-wide Marine Trust Company of Western New York) and a member of its Board, considerable time is spent with its Trust Department in estate planning. In the first three months of 1954 sixteen wills were executed. Consultations have been held for six others. I do not accept divorce, separation or annulment cases. The volume of paper work requires exceptional secretarial help. In twenty years I have employed four secretaries. One left after twelve years to join her husband in a business venture and is now a valued client. All three of the others are on my present payroll, one on a full time basis and two when additional help is necessary.

In the early 1940s the change in Federal Tax Laws gave large numbers of people their first contact with a federal tax return. Literally hundreds of these people come to a country lawyer's office every year, partly because there are no C.P.A.'s in residence. This made necessary a new course of study, including attendance at the New York University Institute of Federal Taxation and Practising Law Institute sessions in New York City and Cornell University (these at a time when the expenses were not a business deduction). Federal taxation was hardly mentioned in the Michigan curriculum in 1933. Nowadays, every business transaction in a lawyer's office requires a comprehensive working knowledge of the state and federal income, estate and gift taxation. A country lawyer declines at his peril to prepare a simple income tax return, lest the client seek

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COUNTRY LAWYER

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assistance elsewhere for a major problem. Early in the history of Section 117j, I advised farm clients to make a full statement of facts in a return, claiming all sales from dairy herds as capital. In 1950 court decisions supported this view and in 1951 Congress agreed retroactively. This saving of thousands of dollars in federal income taxes demonstrates that the country lawyer must know federal income statutes, regulations and decisions.

Attica State Prison affords practice opportunities in the nature of legal aid. I give a limited amount of time to that pursuit. In 1951 and 1952 two inmates with life sentences were found to have been illegally sentenced and upon return to the original court were set free on time served. In 1953 I was assigned with a younger lawyer to defend a prisoner charged with slaying a fellow inmate. The formidable problems of investigating a crime committed in a cell block in a maximum security prison are evident. As we looked closely at the proof, briefing the law as we went along, we concluded that the state had confused fact and fantasy. We thereupon set all business aside and spent two and one-half months in investigation and preparation for the fourth first degree murder trial in our county in fifty years. After a stirring ten day trial, the defendant was acquitted in one hour and forty-seven minutes. The case went to the jury with a charge containing four whopping errors of law, including a ruling that a deceased *res gestae* declarant could not be impeached by showing his felony convictions! It is an awesome experience to know that life or life-long liberty depends upon the resolution and skill with which you conduct yourself and the clarity with which you see the issues. Interviewing dozens of inmates from the 2000 intransigents in Attica State Prison gave a rare and terrifying glimpse of the twilight world where these men pass their lives beyond the pale of society. The witnesses who testified before the Grand Jury had been sentenced to a total of three hundred seventy-four years of imprisonment. The Department of Correction placed no restriction on our right to interview inmates but we were prepared to meet that issue. Major problems of evidence included compelling the state to produce prior inconsistent statements of prosecution witnesses; use of prison conduct records on cross-examination; the admissibility of a dying declaration and a *res gestae* declaration; proof of bias as an independent fact without notice or foundation; expert testimony on the sharpening of metal and the characteristics of oil; the distinguishing between the white and black race by voice alone. The procedural steps included taking the deposition of an inmate defense witness on the critical list before trial before a judge of another court in a court room set up in the prison hospital; motions to inspect Grand Jury minutes and dismissal of indictment; compelling production of all prison records of inmate witnesses; compelling the State to produce the architectural drawings of the prison; court permission to take photographs of the inner precincts of the prison; a court order allowing a defense engineering expert to measure cells and windows and make drawings. The fees of the defense experts and those of a relay of stenographers who furnished a daily record of the trial at a cost of \$2,684.94 were audited by the presiding justice as a cost of the trial and paid by the State. We received \$750.00 each by statute for our services. The State of New York attempts with scrupulous care to protect the rights of an accused in a first degree murder indictment, even if he is a friendless and abandoned felon. A less dramatic installment is to be found in a recent problem of statutory construction where I presented as *amicus curiae* the arguments I would have presented for my hapless client who was murdered after his release in habeas corpus, *People ex rel. Johnson v. Martin*, Appellate Division, Fourth Department, March 17th, 1954, 128 N.Y. s.2d _____. His freedom

was confirmed posthumously.

When a country lawyer is reasonably well established he becomes a community figure of some importance. Very few community enterprises are undertaken without his counsel and assistance. I was elected to the Board of Education and served five years until military service. Presently I am its counsel in a new construction program — following its consolidation with thirty-six small country districts. In an adjoining community I spent many months as counsel to the pioneer central school in Western New York compiling reams of forms for the old PWA. Politics as a career for a small-town lawyer is an uncertain venture, especially for one with five children. My income from this source pays a small part of my office expenses. I believe my political experiences have been in the direction of public service. Starting as Justice of the Peace after the war, I am in the seventh year as the Supervisor of our town, a position that requires handling all town funds as treasurer. The Supervisor is the presiding officer with vote of a five-man board responsible for local government in the town outside the village. This position carries membership in the county governing board of sixteen members having county-wide responsibilities for law enforcement, highways, and the maintenance of social services. There I have been chairman of the Finance and Capital Planning Committee for six years with responsibility for preparing an annual budget of over two million dollars. Our county, in 1930, took over a private hospital in a crowded, inadequate structure. In the early days of the Hill-Burton Act, a group of politically reckless young rebels decided to do something about this rundown facility and build a new medical center. In December, 1948 our group made the first parliamentary move, rescinding a previous negative vote. A prolonged period of study and public persuasion, helped by changes in our governing board by the electorate, resulted in the authorization of a complete modern hospital in April, 1951. This hospital was opened to the public November 1, 1953. As one of the mavericks, I furnished the legal and parliamentary strategy for procuring maximum grants under the Hill-Burton Act and under New York statutes that assist counties under 50,000. Bridges, roads and highways have a new meaning to me since I know first-hand the interplay of political forces, the molding of public opinion, the months and years of tireless effort required to bring them about. No one should underestimate the task of persuading a country board of supervisors to spend two million dollars for a hospital in a county of thirty-eight million valuation. My interest in this project has continued as a member of its Board of Managers.

At a time when the arrangement was optional in upstate New York counties, I spent many months persuading my colleagues, as the only lawyer on the Board, to install a modern system for the selection and control of juries under a jury commissioner. This system was mandated on all rural counties by the Legislature in 1954.

The broad and engrossing professional experience that the modern small town offers to a lawyer is part of the pattern of living in a world of stepped-up communications. In Attica we are an hour's journey from Buffalo where cultural activities compare favorably with Detroit. The University of Rochester is an hour's drive in the other direction with its Eastman School of Music. Perhaps the most appealing feature of a small town experience is its independence and freedom from supervision. In 1953 I was in my office forty-six weeks of thirty-eight hours each. I walk to work and usually have lunch with my family. I do not take office files home, using my time there for general reading in the law, e.g., advance sheets, law reviews and texts. In 1953, without consulting managing clerks, I was able to attend a class reunion in Ann Arbor, spend two weeks in upper Quebec on fishing trips and a shorter trip with the family in the Rideau area of Ontario. A country lawyer is his own master except for the jealous demands of clients. Although no com-

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LEGAL PROBLEMS ARISING FROM THE PEACETIME USES OF ATOMIC ENERGY

by DEAN E. BLYTHE STASON

With the financial support of the University of Michigan Phoenix Memorial Project the Law School has for the past three years been carrying on a substantial and extensive research project dealing with the unique legal problems that arise and will arise in the future from peacetime uses of atomic energy. The project will involve the preparation and publication of a series of monographs which may ultimately be reproduced in either two or three volumes.

Application was made to the Executive Committee in charge of the Phoenix Project in March of 1951. Subsequently, a substantial appropriation was approved for the purpose of promoting the necessary studies. The project was sponsored and carried on by the Legislative Research Center of the Law School in charge of a faculty team consisting of Professor Samuel D. Estep, Director of the Legislative Research Center; Professor William J. Pierce, Associate Director of the Center; and Dean E. Blythe Stason.

By way of general background it may be observed that the business of harnessing the atom for peacetime purposes compels us to revise many previously held concepts of sociology, economics, government and law. Scientists are progressing with speed and diligence to utilize the atom as a source of power and also as a means of conducting many unique and useful operations in the field of industry, agriculture, medicine, chemicals, etc. As yet, however, but little has been done to prepare society for the acceptance of what is likely to be a new industrial revolution. It is for this reason among others that the Law School under the auspices of the Phoenix Project envisages the development of this research project involving not only the purely legal but also the related sociological, economic, and political problems created by atomic fission.

Within months after Hiroshima the Atomic Energy Act of 1946 was drafted and passed by the United States Congress, and equivalent legislation has been adopted in Great Britain and in Canada. This legislation needs continuing study, but although it is an important legal phase of the subject matter, it is only a portion thereof, and in the long run it will prove to be a relatively small portion. Many phases of the law must be adapted to the impact of this new scientific achievement. The conventional areas of the law related to torts, property rights, insurance, workmen's compensation, nuisance, public health, and the like will all be affected. The possibilities are extensive, and the need of imaginative treatment is very great.

The staff for the project consists of the above-named members of the law faculty together with a number of senior and graduate research assistants who have been employed from time to time to engage in various phases of the work. Assistants who have spent substantial portions of time on the project are Forrest Shaw, 1951 Law; John Birchall and Lawrence Hobey, 1952 Law; and Sam Shuman and Marvin Young, 1954 Seniors.

In regard to the specific legal principles and subject matter being investigated the following principal items should be noted:

(1) The Legislative History of the Atomic Energy Act. The purpose of this Legislative History will be (1) to show the problems that the law was designed to solve, (2) to show the solutions suggested and those which were rejected or adopted, and (3) to provide a reservoir of condensed and analyzed material in reference form to aid in obtaining a better understanding of the meaning of the language of the law. The Legislative History monograph which is to be published soon will be of especial value as a source book for those doing research in the legal problems created by the development of atomic energy, since a complete understanding of the Act in all of its ramifications is a prerequisite to intelligent attack on

such problems. The monograph will also aid in revealing specific legal problems warranting further research. Moreover, it will be valuable to a practicing attorney who is confronted with a specific legal problem involving the Atomic Energy Act.

This Legislative History will embrace the proceedings leading up to the adoption of the Act itself, including hearings, reports and literature relating thereto from other publications. In addition, it will cover post-enactment materials including cognate literature, judicial decisions which aid in interpreting the Act, and proceedings involving subsequent proposals to amend. The study will be analytical, not limited to mere description of events. It will deal particularly with those phases of the Legislative History that bear upon the problems of the lawyer, for example, the proper interpretation of general or ambiguous words and phrases. It will also make a special point of bringing out the views of the members of Congress and others relative to the very fundamental problem of whether the development of atomic energy for peaceful purposes should proceed under the control of a proprietary government monopoly, or alternatively should be conducted by private enterprise in the years to come.

(2) Contracting and licensing powers of the Atomic Energy Commission. This subject is being developed with particular respect to

- (a) contracts entered into with private enterprise for the production of fissionable material under Section 4 of the Atomic Energy Act, and for the acquisition and construction of facilities under Section 12 of the Act.
- (b) agreements relative to the distribution of fissionable materials under Section 5 of the Act,
- (c) licenses for the development of source materials under Section 5 of the Act, and
- (d) licenses for the utilization of fissionable materials under Section 7 of the Act.

Regarding licensing power, the Commission possesses almost unlimited authority to blanket all phases of peacetime use of atomic energy with licenses that are fully revocable, not subject to conventional limiting standards. This applies to licenses for the use of atomic energy for industrial, medical, and research purposes under Section 7, and in addition it applies to the disposition of fissionable and raw materials under Section 5. The powers of revocation are extensive and virtually absolute. The exercise of all such powers is being carefully scrutinized. It is altogether likely that an amendment to the Act will be required at this point.

(3) Security problems and censorship of scientific information. The Atomic Energy Act Section 10 gives the Commission very broad authority to determine what is deemed "restricted data." No equivalent powers have ever been granted an American administrative agency over the dissemination of scientific or technical information. The legal framework of such censorship is being reviewed and studied. Particular emphasis is being placed upon the examination of corresponding practices in other countries. Consideration is being given to the wisdom and the means for the limitation of the Commission's powers by the imposition of standards, thus to minimize the likelihood of undue restrictiveness or possibly even arbitrary action.

(4) Patent rights. The Atomic Energy Commission is empowered by Section 11 of the statute to condemn patents related to production of fissionable materials and also to declare that inventions related to atomic energy utilization are "affected with the public interest." If

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ATOMIC ENERGY (continued from page 5)

the former power is exercised, the Commission must determine the compensation to be paid. If the latter power is exercised, other licensed persons may, if they so desire, make use of the patented process or article upon payment of royalties fixed by the Commission. Although the inventor receives royalties for the use of his invention, the Commission determines what his royalties shall be. This system of compulsory licensing has given rise to considerable concern over its effect upon the willingness of industry to provide capital for scientific research and development. A careful study of this subject, including a comparative study of compulsory licensing in other countries, is being carried on.

(5) Rule-making powers of the Atomic Energy Commission.

The Atomic Energy Commission is implemented with extensive rule-making powers. These are essential in view of the importance of atomic energy in its impact upon public safety and welfare. However, in drafting the legislation, ordinary checks upon administrative agencies in the rule-making process were deemed inapplicable. Instead, virtually absolute discretionary power is conferred. A review of this aspect of atomic energy legislation will necessarily draw into consideration the Joint Committee on Atomic Energy of Congress. This important committee consists of eighteen members -- nine from the Senate and an equal number from the House. It has an Executive Director and a Deputy Director. It receives reports from the Atomic Energy Commission, including both unrestricted and restricted material. Approaching the matter of atomic energy from a legislative view point, it serves to exert the restraining influence of the legislative branch of the government upon the Atomic Energy Commission. Comparable with, but more potent than, the British Parliamentary Committee on Statutory Instruments, it is an important governmental device serving to limit the Commission's discretionary powers. In addition, there are other controls on the rule-making powers of the Atomic Energy Commission, that are being given consideration.

(6) Liability for injury to persons and property. The likelihood that persons and property will be injured as a result of improper handling of atomic materials is considerable. It is true that the safety standards of the Atomic Energy Commission are unusually high, and so far they have produced excellent results. However, as fissionable materials are handled more and more by persons outside the range of Commission control, the likelihood of damage to persons and property increases. Not only employees of plants producing or using fissionable material, but also persons living in the vicinity of such plants may be injured by direct radiation or by contamination of air or water. When, in due course, atomic energy is generally employed as a source of power for industrial purposes, persons and property will be subject to extraordinary hazards from that source. The present bases of civil liability are being carefully studied, reviewed, and evaluated, to determine whether or not they are capable of suitable application to cases of injury arising out of utilization of this new and unusual source of energy. The Atomic Energy Commission is generously making appropriate records available to us so far as security arrangements will permit. This phase of the subject is of especial importance to the ordinary practicing lawyer, who, in the years to come, is certain to have litigation and other legal business involving property and personal damage occasioned by radioactive materials.

The foregoing are the principal problems being studied in connection with the Law School's program of research into the legal problems of atomic energy. Although they are seemingly relatively simple in nature, it is a fact that the complexities become considerable because of the necessity of acquiring a competent understanding of the underlying technology of atomic fission and of radioactivity. So far as possible, our staff has acquired such technical knowledge,

and we are now in the very fortunate position of possessing a very large fund of information, data, and ideas relative to the legal problems which are arising from this new and unusual form of energy.

In connection with the earlier phases of the project, the Law School concluded to devote one of its summer institutes to the industrial and legal problems of atomic energy. This was conducted in the summer of 1952 in conjunction with the Michigan-Memorial Phoenix Project. The Institute was planned primarily to serve executives and legal counsel for businesses which are engaged or expect to be engaged in technological lines of activity involving atomic developments. Both existing and potential problems of economic and legal nature were explored. Both lectures and panel discussions were included in the program. In addition, individual appointments were arranged to discuss patents, isotopes, contracts, and economic problems with various highly qualified persons drawn from the Atomic Energy Commission and other qualified sources. Approximately 200 persons registered for the Institute which lasted three days and served to bring together some of the top personnel of the country engaged in this new type of enterprise. A volume of Institute Proceedings has been published and widely distributed. It is a valuable source book of information on industrial and legal problems of atomic energy.

As a byproduct of the research program, the faculty members engaged in it have been requested by the Dow-Detroit Edison group, now engaged with the Atomic Energy Commission in a feasibility study concerning the use of atomic energy by private enterprise for the production of electric power, to serve in a consultative capacity with respect to legal problems. This contact has given our research program a contact with actual operations in the field which has proved to be most valuable in the prosecution of the research.

Another interesting byproduct came about as a result of a request directed by the Joint Congressional Committee on Atomic Energy to the American Bar Association. It was requested that the Association appoint a Special Committee on Atomic Energy to make recommendations to Congress concerning needed amendments to the Atomic Energy Act. Such a committee was appointed with Dean Stason as chairman, and the Legislative Research Center of the Law School was requested to render technical research service. On November 20, 1953 the completed report containing about twenty specific recommendations was filed with Congress.

It is anticipated that the research project will continue during the next year and a half to completion in 1955. It has proved to be a fascinating, novel and practical research enterprise.

COUNTRY LAWYER (continued from page 4)

parisons are vouchsafed to me, I believe a country lawyer's financial rewards compare favorably with most city practitioners. I have supported a family of five children in comfortable circumstances. (Their college education is another matter.) A country lawyer enjoys greater personal freedom, greater responsibility and an early and continuing opportunity for public service. His usefulness to his community is limited only by his own ability and willingness to use his energy and constructive purposes. The difficulties encountered are common to professional achievement everywhere. A country lawyer always feels that he is obliged to spread his talents and energies over too wide a field.

What does it take to make a country lawyer? My answer is: He must have an affection and loyalty for the law itself and believe in its efficacy and essential character in our modern community. He must have genuine interest in and be able to deal with people of diverse personalities from all walks of life. He must have the intellectual curiosity and energy to carry him beyond the confines of

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AN INTERVIEW WITH PROFESSOR ALLEN SMITH

by Granger Cook

Professor Smith claims to have been born in a small Nebraska town, in 1911, and pledges his home state allegiance to Nebraska. He was graduated from the Nebraska State Teacher's College with an AB in Education with the expectation of being a high school English teacher. He indicated that he had the misfortune of graduating in 1933 when the standard salary for high school teachers was about \$60 per month; he remarked dryly, "It seemed to hold little future." Mr. Smith decided to study shorthand and typing, and to join a legal firm in his home town in the capacity of stenographer. After a three year period his interest in the law motivated his enrollment in the Nebraska Law School. He graduated at the top of his class with an LL.B. cum laude in 1940; received his LLM at Michigan in 1941, and after finishing his thesis in 1951 acquired his SJD. His thesis, "Personal Life Insurance Trusts" was published by Mathew Bender Co., and has since become what he calls a "collector's item".

Mr. Smith earned his way through law school by typing transcripts for two court reporters, preparing depositions, and typing Bills of Exception for appeal purposes. He stated, "I found this work extremely helpful as an adjunct to my law school curriculum."

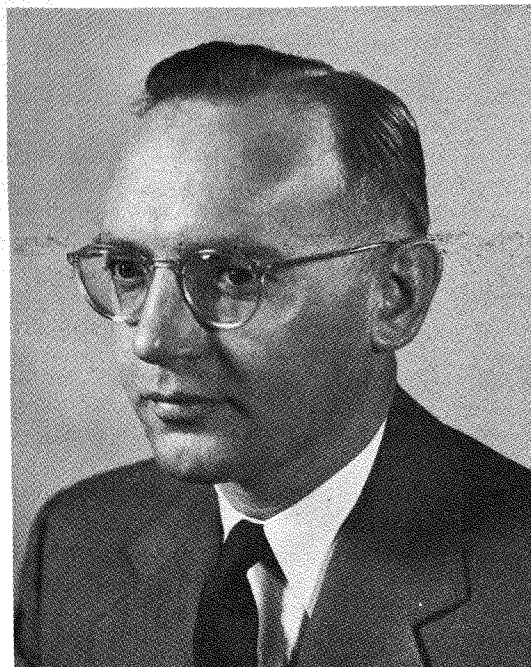
In 1941 Mr. Smith joined the OPA's legal staff as an attorney and remained with the agency for a period of two "enjoyable" years. His primary function consisted of drafting and interpreting price regulations. With a broad grin across his face, Prof. Smith commented, "I have the doubtful honor of having drafted the most inflationary price regulation issued during the war. I, however, disclaim the responsibility for the inflationary aspects of my draft."

Among Mr. Smith's more interesting moments were those involving the drafting of regulations fixing the prices of winter hog hair and washed cattle tail hair, particularly the industry meetings. His most ambitious draft was a regulation fixing prices on used bags in the textile industry.

"My major function", continued Mr. Smith, "was to interpret OPA regulations, and since I had written several, I was keenly aware of the so-called "legislative intent". This interpretative analysis was invaluable to me in subsequent drafting operations. I discovered the danger of using too broad or too specific language; when the language was too all-inclusive, the directive applied to classes in which we were not interested; when it was too specific, then classes that we intended to cover were inadvertently excluded."

Professor Smith's association with the OPA was sharply interrupted by the long arm of Uncle Sam. He had earlier applied for a commission in the naval forces, but had been rejected because of poor vision. He remarked, "The draft board examiners apparently had somewhat lower standards and passed me with flying colors." Mr. Smith served with the Counter-Intelligence Corps for a short period, and was then transferred and commissioned by the Military Intelligence department. The job of the project to which Mr. Smith was assigned was to identify various Japanese units located in the South Pacific Area. As a result of this experience, he wrote a book, as co-author, entitled "Recruiting and Training System of Military Units in Japan." Mr. Smith credits his very pleasant association with the Army to a Mr. Alfred McCormick of New York, his divisional officer who packed his department with lawyers because of the research aspect of the project.

After "graduation" from the service Mr. Smith returned to the U of M to complete his thesis and to teach personal property in the 1946 summer session. He then taught for a year at Stanford University



PROFESSOR ALLAN SMITH

before permanently affiliating with the Law School faculty in the summer of 1947. Mr. Smith had planned a vocation of teaching since 1941, simply because "I like students; I get considerable enjoyment out of watching students mature . . . becoming educated after a fashion. Also, I prefer the academic aspects of law to the rough and tough turmoil of practice."

Since he has been at the University of Mich. Prof. Smith has been a co-author of "Cases on Property" and has made contributions to legal periodicals. He is currently working with Prof. Simes on a revision of the latter's three volume work on Future Interests; in re this undertaking, Prof. Smith exclaimed, ". . . at my present rate of progress it may be a life-time job."

One of Professor Smith's outstanding traits is his intense interest in the Law School; he consequently participates actively in many of the Law School projects, committees and activities. Actually most of his committee work has been related to student activity, e.g., scholarship committee, student-faculty committee which exercises general supervision over the Case Clubs and SBA. "It is my belief," related Mr. Smith, "that the student activities should be run largely by the students; if the students are willing to assume the responsibility and to take the initiative, faculty supervision can be kept at a minimum."

Mr. Smith is the faculty advisor for the Barristers' Society which is celebrating its Golden Anniversary this year. He related that he was "something of a mid-wife to the birth of the Res Gestae three years ago. At that time we expected the Res Gestae would give to the SBA an intramural function of disseminating information within the Law School and had visions that the paper would serve as a vehicle for contact between the Law School and the Alumni." He added: "I am extremely well pleased with the job which Dick Goodman, John Fallon, and the rest of the staff have done on Res Gestae

(continued on page 14)

THE LAW SCHOOL'S FOREIGN STUDENT PROGRAM

(The following material is taken almost verbatim from a Faculty report on the Law School's foreign law program. For permission to use this material, Res Gestae is indebted to Dean Stason.)

The Law School's first important activity in the foreign law field was known as the Inter-American Research Project in the Law of Negotiable Instruments, carried on under the supervision of Professor Hessel E. Yntema. The objective of this project was the preparation of comparative studies of the negotiable instrument laws of all of the Americas. The program was opened in the academic year 1942-43, and was continued until the academic year 1946-47. Altogether at one time or another twenty-one Latin American law graduates were in residence working on the project.

Subsistence allowances for many of the foreign graduate fellows engaged in the Inter-American Research Project were provided through the United States Department of State as a part of its cultural relations program. In other instances the Law School furnished the allowances. Although many of the participants were content merely to take part in the research work, some of them also took the time to qualify for and receive graduate degrees in law. In all cases the School furnished tuition scholarships to cover tuition fees.

Down to 1949 most of the school's foreign graduate fellows were connected with the foregoing Inter-American Law Project, with only an occasional fellowship for other purposes. However, in that year, recognizing the significance of the work, the Law School arranged for a regular appropriation of \$10,000 per year from the William W. Cook Endowment Fund to be used for the purpose of providing fellowships for carefully selected foreign graduate students. Since the inauguration of this phase of the program, from five to eight foreign graduate students have been received each year with assistance from this source.

In 1950 and thereafter, at the request of the United States Department of State, the Law School established special programs for three groups of German referendars sent to this country at government expense in connection with various post World War II educational programs. The first group, consisting of ten referendars, enrolled during the spring semester of 1950; the second, consisting of fifteen, in the fall semester of 1951; and the third, a small group of five, in the academic year 1952-53. A member of the law faculty was assigned to supervise each group, and a special study program for its members was carefully worked out.

Although the referendar programs were, under State Department regulations, limited to one semester, a few members of the groups remained in residence additional time to obtain Master of Laws degrees. In most instances the additional semesters were financed entirely by the University.

Under one or another of the foregoing programs nearly 100 foreign graduate students have enrolled at Michigan during the last dozen years. In addition, a limited number of such students have enrolled at their own expense.

During the present year twelve students from other countries are enrolled in the Law School at the graduate level. They are all persons who have completed their law studies in their native countries, and, with the exception of one who is a law professor, are now ready for the period of internship prior to beginning active practice. Countries of origin include Guatemala, Iraq, Iran, England, New Zealand, India, Japan, Philippines, Finland, and Argentina.

The overall objective of the program is to give this highly selected group a general understanding of the American legal system, together with a certain amount of specific legal doctrine in areas of the law of individual interest. Two programs are available to accommodate the different legal backgrounds of the individual members of the group. For those who have studied English or American common law, i.e., those from England, New Zealand, India and the Philippines, there is a broad course of study leading to the S.J.D. degree. For the other group, composed of those who come from civil law countries, handicapped as they are by an almost complete lack of knowledge of the common law system, it is necessary to offer an intensive preparation for the study of American law that is not needed by the first group mentioned. This is accomplished in part by requiring attendance in the course entitled "Introduction to Law and Equity," in part by a special course in the law of torts designed to introduce the students to the case system of study and to an area of American law which differs materially from the corresponding law in other systems, and in part by a series of special seminar sessions involving a survey of American law and legal institutions. Most of the members of this group wish to qualify for the degree of Master of Laws in Comparative Law, and their programs are adjusted to that end.

All of the foreign graduate students engage in a substantial amount of research under supervision. The library provides unusually good facilities in the fields of foreign law and international law, thus making practicable studies in these fields in a degree not possible in many institutions. Experience indicates that all foreign student programs must be carefully tailored to meet individual abilities and desires and we see that they are so designed.

Within the limitations of existing resources, the facilities of the University are used to adjust foreign graduate students to living in what is for them a new environment. Ordinarily they are quartered in the Lawyers Club, where they take part in the social and recreational programs of the Club. They are welcomed by the American students as a valuable addition to community life.

For further orientation and education field trips are arranged to major industrial plants, prison facilities, courts, and agencies of state and local government in the vicinity, thus imparting at least some understanding of the industrial and legal institutions in this area. In addition, the students are encouraged to take field trips to other parts of the country according to their own desires.

Other units of the University which co-operate in furthering the orientation of foreign law students are the International Center and the English Language Institute. Two months of training in the day-to-day use of English at this Institute ordinarily suffice to enable the student to begin the study of law in the Law School, although in some instances special tutoring may continue throughout the first semester in residence. Students coming from the Far and the Middle East with a reading knowledge of English but with little experience with spoken English are encouraged to spend twice the ordinary time, namely, about four months at the Institute prior to enrolling in regular Law School courses.

(continued on page 10)

AN INTERVIEW WITH THE DEAN

by Granger Cook

E. Blythe Stason, Dean of the University of Michigan Law School since his appointment in 1939 by the Board of Regents, has been the inexorable influence of the administration of our legal education for the past fifteen years. His impeccable conduct of a true gentleman, his mild-mannered attitude and remarkable inner calm, and his deep understanding of both legal and social problems are exemplary of the qualities of one of the most outstanding men in the legal profession.

His experience has spanned the gamut -- from the study of engineering and law to the practice of engineering and law. By attending three different schools, Dean Stason has acquired three degrees in widely diversified academic fields. He was graduated from the University of Wisconsin in 1913 with his BA; from Massachusetts of Technology in 1916 with his SB in electrical engineering; and from the University of Michigan Law School in 1922 with his JD.

Between his graduation from MIT and his induction into the US Army, Dean Stason worked for the Bell Telephone Co. of Pennsylvania, spending much of his time computing reflection constants for telephone cables by the elliptical function method. He remarked with a shy grin, "Within a short time, I became quite proficient at that." Also within this period he first became acquainted with the teaching aspect of engineering when he accepted a position of Instructor in electrical engineering at the University of Pennsylvania.

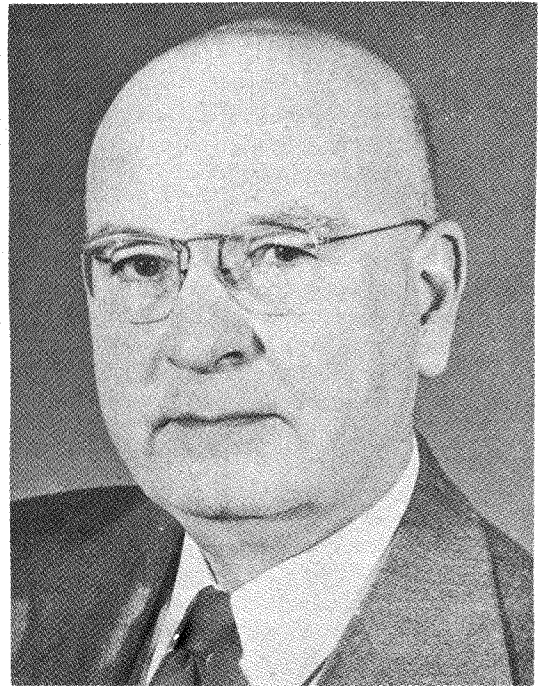
This pleasant course of endeavor was interrupted by his induction into the US army in November of 1917. After squaring his shoulders Dean Stason commented, "I was sent to a desolate place known as Camp Mead, Maryland, and was quartered in barracks in which there were no windows. I particularly remember being issued an old Spanish American war jacket." In the Spring of 1918 Dean Stason was sent to OCS, and was discharged from the Army with the rank of Captain in the Corps of the US Engineers.

Dean Stason, while associated with Michigan faculty in the capacity of an Asst. Professor of electrical engineering in 1919, attended the Law School on a part time basis. After graduation, Dean Stason practiced law as a member of the firm of Stason and Stason in Sioux City, Iowa, for a period of three years. "I spent much of my time trying cases in the general field of law," remarked Dean Stason, "and", he added with a smile, "was rather badly beaten on a number of occasions".

In the fall of 1924, Dean Stason formally affiliated with the Law School faculty, and began teaching the course in common law pleading. "I have often said," stated Dean Stason, "that my first course in common law pleading was the worst course taught in the English speaking world." Since then he has taught all of the procedure courses, Torts, Trusts, Taxation, Constitutional Law, Intro, Municipal Corporations, Administrative Law and Public Utilities. At the request of Dean Stason both Taxation and Administrative Law were added to the curriculum, and he was given the privilege of teaching the first sections in both.

The Board of Regents in 1938 appointed Dean Stason Provost of the University (executive vice-president) and in 1939 appointed him Dean of the Law School. He continued with both offices until the end of World War II, at which time he withdrew from the Provostship in order to devote full time to the law school.

Although carrying a full program with his duties as Dean, as Professor, and currently as Director of the Placement, Dean Stason has found time to actively participate on many advisory legal committees. Within the State of Michigan he was appointed to the Michigan Constitution Revision Study Commission by Governor



DEAN E. BLYTHE STASON

Fitzgerald, the Tax Revision Commission by Governor Kelly, and the Anti-subversive Legislation Commission by Governor Williams. He subsequently was appointed Chairman of Anti-subversives Committee of the Michigan State Bar; which committee recommended (and the Supreme Court adopted) a change in the Canons of Ethics in Michigan to permit the disciplining of attorneys who are guilty of committing acts of a subversive nature contrary to the laws of Michigan or of the US.

"In the national scene," continued Dean Stason, "I was appointed in 1939 to the Attorney General's Committee on Administrative Procedure, a committee which prepared what is generally regarded as the most comprehensive treatment on Federal Administrative Law." Dean Stason was a member of the American Bar Association Committee responsible for the drafting of the Federal Administrative Procedure Act, and was Chairman of the National Conference of Commissioners on Uniform State Laws which drafted the Model State Procedure Act, an act which has been adopted in Michigan, Wisconsin, Missouri and, in part, in other states as well.

At the present time he is a member of one of the Task Forces of the Hoover Commission, and is Chairman of a group engaged in making studies and preparing recommendations concerning all phases of the work of the executive department of the Federal Government not regulated by the Administrative Procedure Act.

"For the last three years," remarked Dean Stason, "Professor Estep, Professor Pierce and I have been engaged in a major research project on the legal problems on atomic energy . . . the objective of which is to prepare and publish in about three sizeable volumes a complete treatment of the unique phases of the law related to this new form of energy." He indicated that the first volume, a complete legislative history of the Atomic Energy Act of 1946 (about 800 pages of manuscript), is almost ready to be sent to the printer. The atomic energy legal research is being financed by the Phoenix Memorial Program of the University, the program set up as a war memorial by the University with contributions from both private enterprise and alumni totalling approximately seven

(continued on page 10)

LAW SCHOOL REVIVES ALUMNI SOCIETY

by Richard E. Goodman

It was recently announced by Dean Stason that plans have been formulated to complete the organization of the Law School Alumni Society, and to proceed on an active alumni program. The Michigan Law School Alumni Society was first organized in the late 1930's, but the advent of World War II precluded the completion of its organization, and caused a virtual suspension of activities. The society is composed of all Law School alumni, who thereby band themselves together for the promotion of professional understanding and aid between alumni and the Law School.

Some of the purposes of the Law School Alumni Society are: To provide a medium, by means of meetings, bulletins, communications, advisory committees and otherwise, for systematically acquainting alumni with the affairs of their School; and for the interchange of professional ideas, conveying to the alumni the results of Law School research, and to the Law School attitudes of the alumni concerning legal education;

Furthermore, to provide in the principal cities of the country centers of specific information concerning both the School, for the assistance of prospective students, and concerning professional opportunities for the practice of law, for the assistance of prospective graduates.

By means of the foregoing and other related tasks, it is hoped to build up a professional esprit de corps among Michigan law alumni and to perpetuate loyalty toward the Law School.

The Society includes nearly 8000 alumni residing in all 48 states, and many foreign countries. There is no formal national organization, and no membership dues, annual or otherwise, are charged. However, local officers are selected as the individual groups desire. A corresponding secretary is installed in each city in which there are thirty or more alumni, and in other cities as well, if desired by the local group. Each corresponding secretary maintains a local alumni list and serves as a communications center between local alumni and the School. A local "placement committee" is set up to aid the secretary in cities so large that the burden of placement inquiries is too great for him. There is, also a law faculty committee on Law Alumni, charged with planning meetings, publications, communications, etc. In addition, the faculty of the Law School is subject to call. Each member will respond from time to time to requests to attend meetings of alumni in various parts of the country.

The Law Alumni Committee of the Law School will also carry on certain services in Ann Arbor for the benefit of the Society. Some of these are:

To keep the corresponding secretaries supplied with current lists of local alumni, and, if desired, to prepare and mail to each person on the local lists notices of local meetings of the Society.

To publish, periodically, The Law Alumni Directory.

To send, each year, to all alumni, a communication from the Office of the Dean containing news of the School and its activities.

On requests from local groups, to send one or more members of the law faculty to attend local Law Society meetings to discuss either professional subjects or Law School affairs or both, as may be desired by the local groups.

To co-operate with the placement activities and services of local alumni groups, and to furnish all available placement information to local secretaries and committees. The Law Alumni Committee hopes that this portion of the Society's program will be of great benefit to recent graduates, and that, even after placement, much good-will will be accomplished by having local alumni help recent graduates become acquainted within their committees.

This program is already underway, and its initial success indicates that within a few years the tasks performed and the services rendered by the Society will make it a valuable asset to both the alumni and the School.

INTERVIEW WITH THE DEAN

(continued from page 9)

million dollars. This Program is responsible for the construction of the atomic energy laboratory now being built on North Campus.

"In connection with the Atomic Energy Study," related Dean Stason, "we have been asked to serve as legal consultants for the Dow Chemical and Detroit Edison Companies which are engaged in preparing plans for the construction of a nuclear power plant using private capital." It is appropriate to note that Dean Stason also serves as chairman of the American Bar Association Special Committee on Atomic Energy which has been asked to report to the Joint Congressional committee on Atomic Energy with respect to needed changes in the Atomic Energy Act.

In response to an inquiry as to the scope of the position of Dean of the University of Michigan Law School, Dean Stason replied, "As I see it, this job is an exacting task, which requires a great deal of patience and a great deal of attention to details. A major part of the responsibility of this office is to see to it that the proper physical and fiscal arrangements are made to maintain a progressive and enlightened faculty, and to carry on a solid program of legal education adjusted to an ever-changing environment. Our educational ideal at Michigan has been one of strong emphasis on teaching the fundamentals of the legal system, together with careful attention to the fundamental intellectual processes essential in the practice of law, i.e. the processes of reasoning, analysis and synthesis. To the extent that the Dean and the Faculty of the School achieve those objectives and keep abreast of changing times they are meeting their principal educational obligation to the lawyers of the future, although there are, of course, many related tasks of an educational, research and service nature that also demand attention.

FOREIGN STUDENT PROGRAM

(continued from page 8)

The Law School has already made a substantial investment in teaching and research in international and comparative law and especially in developing its foreign student program. The school believes that this investment is fully justified, and proposes to continue its program to the maximum extent permitted by available resources. The school feels that such a program is well-adapted to further the objectives of modern legal education. The modern lawyer must be trained to see legal doctrines and procedures in the context of the society they serve, and he should be prepared for the responsibilities of leadership. He must, of course, be able to take care of the affairs of clients, but he must also assume responsibility for world-wide problems — legal, political, economic, and social.

It is at the graduate level that the most effective work can be done in this broader scene. There is necessarily tremendous difficulty in crossing national language boundaries. It is not merely a matter of learning to speak a foreign language. There is also the problem of understanding the complex shades of meaning and the accumulations from usages in the various foreign tongues. Each legal system has its own history and structure, and to acquire a command of one national system is for most lawyers the work of a lifetime. Accordingly, it is rare that the undergraduate will be able even to make a start on acquiring a working knowledge of a foreign system or its institutions. And so it is necessary to turn to the graduate level for that purpose.

At the graduate level, however, with carefully selected men and women coming not only from American law school environments but also from the great universities of other parts of the world — England

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SIX RES GESTAE STAFF MEMBERS GRADUATE

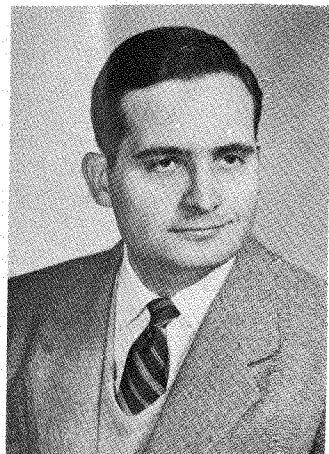
Six members of the RES GESTAE staff are seniors this year and will graduate in June. Three of these six are members of the editorial board. They are: Richard Goodman, editor; Don Steiner and Granger Cook, associate editors.



RICHARD E. GOODMAN
Editor

School. After graduation, Goodman plans to take the Iowa and Illinois Bar, and then spend two years in the service. After that, he hopes to practice in the Chicago area, eventually specializing in labor relations work.

Richard Goodman has been editor of RES GESTAE for the past three years. He has been, to a great extent, responsible for development of RES GESTAE from the four page newsletter form in which it was printed three years ago to its present twelve page magazine form. He has also been active in the S.B.A. and is a member of Phi Delta Phi legal fraternity. Goodman's home is in Glen Ellyn, Illinois, having just moved there from Keokuk, Iowa. He did his undergraduate work at Northwestern University where he received a B.A. degree in 1950. He also did a year of graduate work at Northwestern before coming to Michigan Law



DONALD C. STEINER
Associate Editor

Don Steiner has also been associated with RES GESTAE for the past three years, and has been an Associate Editor for the past year. He has also been responsible for much of the work that has gone into RES GESTAE during the last three years. He has been active in the S.B.A. and is a member of Phi Delta Phi. Steiner's home is in Canton, Ohio. He received a B.S. degree from Northwestern University, and a Masters degree from Harvard. He is married and has an eleven month old boy.

After graduation, Steiner plans to take the Ohio Bar, and then to go into practice with a law firm in Cincinnati.



GRANGER COOK
Associate Editor

Granger Cook has been working with RES GESTAE for the past two years. He has been an associate editor for the past year. Cook's main work has dealt with the faculty interviews. He is a member of Phi Delta Phi legal fraternity. Cook's home is in Wilmette, Illinois. He did his undergraduate work at the University of Illinois and Northwestern University. From the latter he received a degree in Electrical Engineering in 1951. He is married and has a one year old boy. After graduation, Cook plans to take the Illinois Bar, and then to go into practice with a patent law firm in Chicago.

Other members of the staff who are graduating in June are: Jack Trombadore, copy editor; Dick Baker, staff photographer, and Jim Haggart, staff writer. Trombadore has been on the staff for the past year, and has read the proof and corrected the mistakes for every issue that was published. He is from Manville, New Jersey. Baker has been associated with the staff for the past year as photographer. His home is in Lansing, Michigan. Haggart has also worked with the staff for the past year in the capacity of staff writer. His home is in Omaha, Nebraska.

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COUNTRY LAWYER

(continued from page 6)

a specialty and give perspective in dealing with a wide range of problems. He must have capacity to study and work alone and appraise his efforts realistically. He must have the fortitude and resolution to see that the interests of his clients and of the public are exploited effectively at the right time and at the right places.

Generally he must do these things singlehanded and on his own resources.

If there is anything unusual about my experience as a country lawyer, it lies in the people for whom I work, whose generosity and respect for the rights and sensibilities of others make Attica one of the finest rural communities.

ARMED FORCES

(continued from page 2)

no minimum requirements are imposed.

5. Applicants for Reserve commissions must apply at the office of the Army Area Commander in the area in which the applicant resides. Necessary forms may be obtained through local recruiting offices, or from the Chief of the Military District of the state in which the applicant resides. Appointment depends upon the availability of vacancies in the Organized Reserve Corps. It is reported that there are but a few vacancies at the present time, but this need not deter applicants.
6. Reserve officers not on active duty, commissioned in some branch other than JAGC, who desire to transfer, should initiate a letter of request, directed to the Commanding General of the particular Army Area in which the applicant resides.
7. Special regulations concerning the matter are on file in the Recorder's office.

It should also be pointed out that enlistment is for a period of three years. It is suggested that for those that are interested in making application and who reside in the mid-West area write to:

Headquarters, Fifth Army
Office of Commanding General
1660 East Hyde Park Blvd.
Chicago 15, Illinois

The Air Force also has a program similar to the Army and the general qualifications are the same. For more detailed information one may write to:

Office of Air Judge Advocate General
Mitchell Air Force Base
New York, New York

or

Judge Advocate General,
Headquarters, United States Air Force
Washington 25, D. C.

As for the Navy or the Coast Guard they have no regular program for securing personnel for their legal staffs, but rely upon a selection of men who are already in their branch of the service.



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Book Reviews

THE COURT OF LAST RESORT
by Erle Stanley Gardner

William Sloane Associates
New York: 1952 pp. 277

Reviewed by JOHN S. FALLON

Where would you turn for help if you had been unjustly convicted of murder and all regular appeals had failed? Your hope would be THE COURT OF LAST RESORT.

Have you heard of this startling new concept of law: that the true Court of Last Resort is an informed public opinion?

Because this is not an ordinary type of book review, the ordinary procedure will not be followed. There is much of the personal in the words you are reading. I have read this book with a biased mind. I knew it would be intriguing and worthwhile before I even bought it because I knew by heart each story Gardner had to tell. I have followed the Court since its inception with deep interest because of a close relationship with some of the members, most particularly Dr. LeMoyne Snyder of Lansing. The utter fascination of his tales have evoked much thought and concern about the stark-naked realism of the complete hopelessness felt by those condemned, and most especially those innocently condemned. This small group have labored to right the wrongs inflicted upon those miserable creatures who are innocent yet doomed. Their stories do not make light reading, but the terror inherent in the pleas of these living dead as related by the man who has been so instrumental in their rebirth, kindles anew that special stirring of the heart peculiar to those who hate injustice and struggle against it. We believe firmly in the righteousness and worth of the work these men are doing and we believe that this group should be brought to the attention of those who will soon be in a position to further this cause.

We have told you why this article should be written. Now, what has Gardner to say about the Court? What is the book about? Who are the moving forces? What is this Court of Last Resort?

In simple terms, the Court is a small, but ever increasing group of highly trained specialists who work for no pay and who bring to the public, which is the judge, the results of their endeavors. Their work - the determination of the facts relating to a given crime; the investigators do not finally determine the guilt or innocence of the accused, the public does that. In general, their task is to promote justice. In relating the beginnings of the Court and describing its functions, Gardner states on page 21:

"... we came to the conclusion that in a country such as ours no officially organized tribunal ever could be the real court of last resort. The real court of last resort, we felt, was the people themselves. It was a new and daring concept, yet it was essentially sound. Under our theory of law the people are superior to any department of the government, legislative, executive or judicial. They must, of course, exercise their wishes in accordance with the methods prescribed in the Constitution, but once those methods have been complied with the will of the people is the supreme law of the land.

"That didn't mean that in order to decide whether John Doe had been wrongfully convicted we needed to have the people pass an initiative measure . . . or present a Constitutional amendment to get him liberated.

"The constitutions of the various states provide that the governors have the power of pardon. The governors on the other hand, are responsible to the people. Every four years they come up for reelection. They have to stand on their records. If any material thinking segment of a state's population should decide that John Doe had been wrongfully convicted and that the governor's pardoning prerogative was being unjustly withheld, that governor would be

faced with a political liability at election time. Governors are not prone to assume political liabilities unless there is a corresponding political credit to be entered on the other side of the ledger."

How was all this to be done in a proper way? Gardner tells us on page 22.

"How could anyone present a case to the people without following the tactics of the rabble rousers? In the case of John Doe, how could we get the facts, how could we properly marshal those facts, how could we get the public to take a sufficient interest in those facts? How could we persuade a substantial segment of the population to take a real interest in John Doe? It was a problem we discussed at length. We felt that we were on the right track if we could once find the proper approach; but the proper approach required that the public should understand the facts, should correlate them, and should then want to take action.

"We knew that most magazine readers like detective stories. How about letting the readers study the case of John Doe, fact by fact, until they reached an intelligent opinion?

"That would mean investigators in whom the readers would have confidence, and who could unearth those facts. It would mean that reader interest must be kept alive."

Gardner tells us on page 22, what further requirements that group must have.

"The basic idea was to get men who were specialists in their line, men who have enough national reputation so readers could have confidence in their judgment, men who would be public-spirited enough to donate their services to the cause of justice (because any question of financial reward would immediately taint the whole proceedings with what might be considered a selfish motivation). We also needed men who had achieved such financial success in their chosen professions that they were in no particular need of personal publicity. Moreover, the aggregate combination must be such that it would be virtually impossible for any prisoner to deceive these men as to the true issues of the case."

Who were the men chosen? The man who helped originate the Court and who finances the investigations is Harry Steeger, owner of Argosy Magazine. He pays all travel costs as well as anything which might arise exclusive of the time spent by the investigators. This is donated. He recoups what losses he can by sale of Argosy which carries the reports of the investigators. Gardner usually writes those reports. There is Dr. LeMoyne Snyder of Lansing. Dr. Snyder is one of the outstanding authorities on homicide investigation in the country. He is not only a doctor of Medicine but also an attorney at law, and he has for some years specialized in the field of legal medicine. The next is Raymond Schindler. Schindler is perhaps the best-known private detective in the country. His career dates back to 1906 when he first started work in San Francisco. Later on, it was through the efforts of Raymond Schindler that the corruption which existed in San Francisco under Abe Rueff and "Big Jim" Gallagher was cleaned up. One of his more famous cases was the murder of Sir Harry Oakes in the Bahamas. The investigators needed absolutely accurate information for their own guidance and so they chose one of the foremost authorities on lie detectors, Alex Gregory of Detroit. He has an excellent background as an investigator and is a careful, conscientious worker, a former member of the Detroit Police Force and a keen student of psychology. A lie detector in the hands of an expert is an invaluable tool, and Gregory is that expert. These were the original men. Other men have since joined. This latter group includes young lawyers who, while not

(continued on page 14)

BOOK REVIEWS

(continued from page 13)

financially affluent, donate their services when the need arises. In this book you will also get behind-the-scenes glimpses of governors, judges, district attorneys and wardens. And you will come fact to face with:

Clarence Boggie, a strapping lumberjack, who was kind to old ladies and swore that he hadn't smashed in the head of a Seattle recluse - though there were plenty of clues that pointed to his guilt. . .

William Marvin Lindley, a red-headed boathouse operator, awaiting execution for a brutal sex murder committed on the banks of the Yuba River in California. . .

The Brite Brothers, John and Coke, mountain men accused of murdering two peace officers in a rip-roaring nocturnal battle - though the Brite brothers swore they acted in self-defense. . .

Theodore Roosevelt McClure, who KNEW that the ballistics experts were using doubletalk. . .

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INTERVIEW WITH PROFESSOR SMITH

(continued from page 6)

this year. The articles have been good and the general tone has been excellent. There are a few items that can be added to the coverage, even in a monthly paper, but another year should see them added."

In response to an inquiry into the student-faculty relations, Prof. Smith replied, "I believe that the students in this law school do not take advantage of the opportunity to know members of the faculty better. The "performances" of faculty members in class give the student some idea of their character and personality, but the students' educational experience would be broadened if they had more contact outside of the class room with faculty. I have frequently suggested that various groups undertake to initiate on behalf of the students small informal meetings between students and individual faculty members. Anything that could be done would be of great benefit to both the students and the faculty."

In reflecting upon his association with the University of Michigan Prof. Smith humbly said, "I can think of nothing but that horrible cliché, I love this school. I think the caliber of the students and of my associates is of the highest quality, and their cooperative attitude is something to be admired. While we seek to improve the content of our legal education, I think that we provide our graduates with a training which will enable them to be successful practitioners."

Prof. Smith paused for a moment and then continued, "I would like to see more of our students interested in the practice of law in the government, because I think the opportunities for valuable experience are there. I feel very strongly that the government needs

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FOREIGN STUDENT PROGRAM

(continued from page 10)

and English-speaking dominions, the continent of Europe, the Near and Middle East and the Far East -- with such students intermingling in an environment such as that provided in the University of Michigan Law Quadrangle, the Law School will be able, with time and patience and skill, to develop in each an understanding of the other's institutions and legal problems. It is that kind of graduate study center which is envisaged for the University of Michigan Law School.

The returns of such a program are very great. They include, of course, the knowledge acquired by foreign students of American law and legal institutions. To them that knowledge is invaluable when they return to their native countries. Conversely, there is the value to our American undergraduate law students of knowledge of foreign institutions acquired through living in the same residence halls and associating in the same classes and seminars with mature lawyers trained abroad. Then account should be taken of the constant mutual stimulus between the foreign scholars and American graduate students, a high percentage of whom are prospective American law teachers. That which they learn will be transmitted to many others in the years to come. Then, there is the knowledge and understanding derived by the school's faculty members from consultation and contact with mature and able foreign scholars. The faculty members continually learn more and more about foreign legal institutions, and this learning will be transmitted to American law students in the regular class-

es of the School in the years to come. Then, of course, there are the published results of research which will add to our fund of knowledge. Finally, and beyond all of these immediate gains, lie some very much larger purposes of which the Law School is keenly aware. It can be anticipated that the carefully selected young graduate lawyers enrolled from foreign countries will upon return to their respective homes acquire positions of leadership. Their work here should assist them in doing so. No more effective way can be imagined of contributing to international understanding and to the promotion of favorable international relations than to assist in the development of this kind of potential leadership for the nations of the world.

INTERVIEW WITH PROFESSOR SMITH

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high caliber individuals to carry out its job. While the ultimate financial rewards are not great, the rewards in experience and in doing of a necessary job are very great. A comparison of the ages of counsel arguing before the Supreme Court in government cases would reveal that government attorneys have an opportunity to handle really important legal cases much earlier (on the average by about 15 years) than do the attorneys in private practice."



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